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# Slipping through the cracks: Examining the realities of a child-friendly prison system

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ABSTRACT

*Introduction:* The health effects for children with incarcerated parents, and methods to improve children's experience of the justice system, are under-researched areas. While some work has been done to illuminate these concerns, practical implementation of a "child-friendly prison" has been slow.

*Aims:* A Health Directorate-funded project examining children's interactions with the Australian Capital Territory (ACT) justice system was conducted in 2013, which made a number of recommendations. The current study sought to examine the ongoing impacts of parental incarceration for children in the ACT and follow up on the recommendations.

*Methods:* Semi-structured interviews were conducted with seven key stakeholders with a relationship to the research area. The interviews were summarised, and a thematic analysis was carried out to identify relevant ideas. Results from recent Detainee Health and Welfare Surveys were used to estimate the number of children affected.

*Results:* The findings from the interviews concluded that little action was taken in response to the original report, that children's rights and agency were compromised, that the prison lacked accessibility, that consistent and individualised information should be provided to affected children, and that a previously operational homework program should be reinstated. Model facilities were identified.

*Conclusion:* Three broadly-applicable recommendations were made in response to the data from the surveys: increasing accessibility of public transport, the establishment of a child liaison officer at prisons, and maintaining extended family visits.

## 1. Introduction

Prisoners are removed from the public consciousness. Exiled for criminal activity, their position often escapes consideration. However, beyond the prisoners, there exists a wider network of people affected by the prisoner's detention: families and, in particular, children and young people (hereinafter "children" for ease of reference). This vulnerable group represents collateral damage from the complex criminal justice process. Little is known about these children, perhaps given the limited public engagement with the lives of incarcerated individuals. Acknowledgement of the health and wellbeing issues concerning the children of incarcerated citizens is lacking.

The potential effects of parental incarceration on intergenerational criminal activity (Murray, Loeber, & Pardini, 2012), and on health outcomes for affected children, have been documented, and work in this field is increasing. Links have been identified between parental incarceration and children contracting infectious diseases, as well as the development of mental and behavioural problems (Kemper & Rivara, 1993; Quilty, Levy, Howard, Barratt, & Butler, 2004; Tasca, Turanovic, White, & Rodriguez, 2014). Emotional and financial stressors are common for children in families with an incarcerated parent (Luther, 2016; McCrickard & Flynn, 2015). It is important to recognise the difficulty of separating the effect of parental incarceration from the exposure to other risk factors prevalent within the same demographic: these include poverty, limited education, parental substance use and entry into the child welfare system (Kinner, Alati, Najman, & Williams, 2007; Knudsen, 2016; Murray, Farrington, & Sekol, 2012). Regardless, involvement with the criminal justice system puts further stress on children who are often already part of an at-risk group (Saunders, 2017). Problematically, judicial and other systems have provided a limited response to the needs of children, due to inadequate awareness (Raikes, 2016).

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Children's invisibility in the context of the justice system is an example of a broader issue: throughout public institutions, children consistently experience a lack of agency and input. Giving a voice to children, from the perspective of guiding policy creation and research in sensitive areas, poses some problems. These stem from a desire to protect children from adverse exposures, as well as a perceived lack of ability to disengage from discussions they find troublesome. Despite this, it is increasingly suggested that a sensitive and responsive approach to information-gathering can yield useful primary data from children, while maintaining ethical obligations (Saunders, McArthur, & Moore, 2015).

To this end, research conducted directly with children to better understand how they experience parental incarceration is increasing. One study, *Children of Prisoners*: *Exploring the needs of children and young people who have a parent incarcerated in the Australian Capital Territory*, was carried out in the Australian Capital Territory (ACT) in 2013, which made a number of recommendations for improving systemic responses to these experiences. These were:

- provision of a range of age-appropriate activities at visits, more flexible visiting times, and assistance for unaccompanied children;
- use of Skype and other alternative communication protocols;
- provision of counselling, and judgement-free support services, including for the carer role taken on by many children;
- educational support;
- including children in the transition/release plan for the parent, and considering their diverse needs;
- consistent provision of information; and
- support with housing (Saunders & McArthur, 2013).

The current project first compared the scope of parental incarceration in the ACT with figures from 2010, identifying the number of children potentially affected, as well as the growth of the problem. Then, it sought to assess to what extent the recommendations of the *Children of Prisoners* report have been implemented within the ACT, and consider the next steps. It aimed to identify challenges facing the implementation of such recommendations, with a view to apply these findings within the ACT and, if appropriate, in other jurisdictions.

### 1.1. Background

The number of children affected by parental incarceration in Australia is not precisely known; however, it has been estimated that 5% of children will experience parental incarceration during their childhood years (Quilty, 2005; Saunders, 2017). This was corroborated by numbers from one Australian jurisdiction, Queensland, suggesting 4% of children in that state have fathers in gaol (Dennison, Stewart, & Freiberg, 2013). An estimated 1,706,600 children of inmates in the United States of America demonstrates part of the global impact of parental incarceration (Glaze & Maruschak, 2008). Noting that prisoner numbers have increased in the intervening decade, the number of affected children has continued to rise (Flynn, Naylor, & Arias, 2016).

An increasing number of studies, mainly from the United States and Europe, have drawn attention to the social, emotional and behavioural impacts of parental incarceration on children (Parke & Clarke-Stewart, 2003). In Australia, interest in the impact on children has increased (Saunders, 2017; Trotter, Flynn, & Baidawi, 2017).

For example, a 2015 study by the Monash University Criminal Justice Research Consortium identifies a move in academia away from examination and enumeration of effect, and towards strategies for improving children's engagement with the justice system (Trotter et al., 2015). It concludes strongly: throughout the process of parental arrest and detention, children lack any meaningful control.

From the perspective of child rights, maintaining contact with incarcerated parents could be considered a “right of participation”. Too often, the “right of protection” predominates over the best interests of the child, stifling other opportunities for children to take part in prisons' operations (Foster & Hagan, 2014; Gill, 2008). In the case of a correctional facility, security requirements will counter-balance a child's right to participate.

Some work has been done in various jurisdictions to improve children's relationship with incarcerated parents, overcoming barriers such as distance, transportation, cost, stress, and the prison environment (NYS Division of Criminal Justice Services, 2013; Pallot & Katz, 2014; Schubert, Duininck, & Shlafer, 2016). These include parenting classes, child-friendly visits with flexible hours, prison nurseries, community-based alternatives to parental incarceration, and one-on-one mentoring for individual children (Kjellstrand, 2017). However, as articulated by Murray and Farrington in United Kingdom-based research, the effectiveness of such programs is rarely evaluated by meaningful metrics (Murray & Farrington, 2006).

In Kansas, a study speaking directly with children revealed that supporting basic needs, and charitable treatment by prison staff, were the most desired services from the justice system (Johnson, 2012). Research from elsewhere in the United States, where the parental incarceration rate is one of the highest in the world (Nichols, Loper, & Meyer, 2016), identified the need to increase both face-to-face and phone contact with incarcerated people, and explore child-sensitive arrest protocols (NYS Division of Criminal Justice Services, 2013). Similar ideas were broached in research from New Zealand, and similar suggestions made (Gordon, 2015; Social Policy Evaluation and Research Unit, 2015).

In Australia, it has been found that despite positive efforts, many systematic issues obstruct positive outcomes for affected children. Proposals raised in previous work include considering children at the arrest and sentencing stages (Flynn et al., 2016), and addressing accessibility and staffing concerns (Flynn, 2014). Discouragingly, appraisals of nursery and parenting programs within Australian prisons revealed only modest improvements to the wellbeing of children and mothers. They did, however, highlight the positive effects on recidivism that may be an additional benefit of developing these initiatives (Newman, Fowler, & Cashin, 2011; Shlonsky et al., 2016). Improving child-parent relations in prison, then, could have economic and pragmatic advantages.

The related concepts of a “child-friendly” city, and prison, have been proposed in literature. They suggest that prisons have an obligation to uphold the human rights of children in the allocation of punitive measures, in the contexts of youth justice and adult incarceration. “Child-friendly” prison proposals also seek to engage children in the design of systems, and enact policies to enable their easy interaction with the correctional service (Goldson & Muncie, 2012; Gray, 2016; Tranter & Sharpe, 2008).

## 2. The project: progress in the ACT

Canberra is the capital city of Australia, situated in the ACT. The ACT had a recorded population of 406,403 in the 2016 Census, with an imprisonment rate of 144 per 100,000 (Australian Bureau of Statistics, 2016).

The Alexander Maconochie Centre is the sole adult detention facility in the ACT. It is a minimum to maximum security male and female adult prison, for both remand and sentenced prisoners. The prison was commissioned in March 2009, with a total capacity of 539 as at June 2016. There were 441 residents at the Alexander Maconochie Centre at that time (The University of Melbourne, 2017).

The Alexander Maconochie Centre is promoted by the ACT Government as an example of a human rights-compliant correctional facility, with strong access to healthcare (Easteal, Bartels, Fitch, & Watchirs, 2015; Hargreaves, 2009). Indeed, compared with interstate prisons, the visiting facilities are considered noticeably more pleasant and child-focused.

SHINE for Kids is a charity that supports children with incarcerated